

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Laurent Schaller, et al.

Examiner: Woo, Julian W.

Serial No.: 10/653,027

Group Art Unit: 3773

Filing Date: August 28, 2003

Docket No.: P0021544.02

Title: TISSUE CONNECTOR APPARATUS AND METHODS

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate Under 37 C.F.R. § 3.73(b)

Your petitioner, Medtronic, Inc., a corporation of the State of Minnesota having a place of business at 710 Medtronic Parkway, Minneapolis, Minnesota, certifies that it is the exclusive owner of the entire right, title and interest in and to the above-identified patent application (Serial No. 10/653,027) and in and to patent application Serial No. 10/208,405.

Your petitioner owns the entire right, title and interest in and to patent application Serial Nos. 10/653,027 and 10/208,405 by nature of the assignments executed and filed in said patent applications.

Chain of Title

The chain of title for patent application Serial No. 10/653,027 from the inventors to the Petitioner is evidenced in the following assignments: From the inventors to Elective Vascular Interventions, Inc. recorded on December 30, 2003 at Reel 014225/Frame 0354; from Elective Vascular Interventions, Inc. to Coalescent Surgical, Inc., recorded on December 30, 2003 at Reel 014225/Frame 0332; and from Coalescent Surgical, Inc. to Medtronic, Inc. recorded on September 14, 2004 at Reel 015134/Frame 0906, with the United States Patent and Trademark Office. The chain of title for patent application Serial No. 10/208,405 from the inventors to the Petitioner is evidenced in the following assignments: From the inventors to Elective Vascular Interventions, Inc. recorded on December 30, 2002 at Reel 013615/Frame 0390; from Elective

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Vascular Interventions, Inc. to Coalescent Surgical, Inc., recorded on December 30, 2002 at Reel 013615/Frame 0380; and from Coalescent Surgical, Inc. to Medtronic, Inc. recorded on September 14, 2004 at Reel 015134/Frame 0906, with the United States Patent and Trademark Office.

The undersigned (whose title is supplied below) is empowered to act on behalf of Petitioner.

Documents establishing the chain of title of the subject patent application (including the aforementioned assignments and notices from the Patent and Trademark Office indicating the recording location) have been reviewed and I certify that, to the best of my knowledge and belief, title is in Petitioner.

Terminal Disclaimer

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified patent application that would extend beyond the expiration date of a full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of patent application Serial No. 10/208,405, not shortened by terminal disclaimer. Petitioner hereby agrees that any patent granted on the above-identified patent application shall be enforceable only for and during such period that the legal title to such patent and patent application Serial No. 10/208,405 are commonly owned. This agreement is to run with any patent granted on the above-identified patent application and to be binding upon the grantee, its successors and assigns.

Limitations on the Disclaimer

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above-identified patent application prior to the expiration date of the full statutory term, not shortened by terminal disclaimer, of patent application Serial No. 10/208,405, if such patent: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or are found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321; (4) has all claims canceled by a reexamination certificate; (5) is reissued; or (6) is otherwise terminated prior to the expiration of their full statutory term.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that

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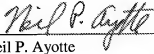
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these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Please charge \$140.00 to Deposit Account No. 13-2546 for the fee required by 37 C.F.R. § 1.20(d). Please charge any additional required fees or credit any overpayment to Deposit Account No. 13-2546.

Respectfully submitted,

Date: December 11, 2008



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